



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kurt HERTOGS et al.

**Group Art Unit: 1631**

Application No.: 09/580,491

**Examiner: M. Borin**

**Filed: May 30, 2000**

**For: NEW MUTATIONAL PROFILES IN  
HIV-1 PROTEASE AND REVERSE  
TRANSCRIPTASE CORRELATED  
WITH PHENOTYPIC DRUG  
RESISTANCE**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

## TRANSMITTAL LETTER

Enclosed is a reply to the Office Action of July 16, 2001. The item(s) checked below are appropriate:

- ☒ Applicant(s) hereby petition(s) for a one month(s) extension of time to respond to the above Office Action. The fee of \$110.00 for the Extension is enclosed.

The claims are calculated below:

	Claims Remaining After Amendment		Highest Number Previously Paid	Present Extra	Rate	Additional Fee
Total	30	-	30	0	x \$ 18	\$ 0
Indep.	8	-	8	0	x \$ 80	0
<input type="checkbox"/> First Presentation of Multiple Dep. Claim(s)					+\$270	0
					Subtotal	\$ 0
					Reduction by ½ if small entity	- 0
					TOTAL	\$ 0

- ☐ A fee of \$[Fee] to cover the cost of the additional claims added by this reply is enclosed.
- ☐ A fee of \$[Fee] to cover [Title of other paper(s)] is enclosed.
- ☐ A check for \$[Total Fees] to cover the above fee(s) is enclosed.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Dated: September 17, 2001

By: 

Anthony C. Tridico  
Reg. No. 45,958



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Customer Number 22,852  
Attorney Docket No. 07691.0009

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Kurt HERTOGS et al. ) Group Art Unit: 1631  
Application No.: 09/580,491 ) Examiner: M. Borin  
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RESISTANCE )

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Office Action dated July 16, 2001, Applicants respectfully request reconsideration of the subject application in light of the following remarks. The time for reply has been extended one month by the extension of time filed herewith to September 17, 2001 (September 16, 2001 being a Sunday).

Claims 1-30 are pending in this application. In the Office Action, the restriction requirement of February 27, 2001 was made final and claims 1-6, 12-30 were withdrawn from further consideration by the Examiner.

Upon further consideration of the previous restriction requirement the Office has deemed necessary the following additional election of species requirement. For the

purpose of initial examination on merits, the Examiner has required an election to a single disclosed species for each of:

- 1) nucleic acids recited in the items a)- c) of claim 7, and
- 2) the species of mutants recited in each of the items a) - c) of claim 7.

The election of species requirement is respectfully traversed for the same reasons described in the response of April 27, 2001. However, to be fully responsive, Applicants provisionally elect to prosecute 103S of a), 118I of b) and 88T of c).

Regardless, Applicants understand the Examiner will search the species; if it is not found, he will continue the search, guided by other species disclosed and claimed. If nothing is found that in the Examiner's view, teaches or suggests any of the species, the Examiner will allow all the claims.

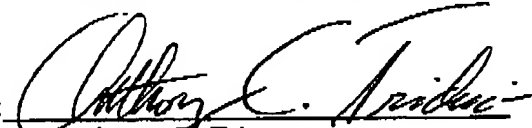
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 17, 2001

By:

  
Anthony E. Tridico  
Reg. No. 45,958